

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID C. KINCAID,

Plaintiff,

v.

5:05-CV-0216

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Z APPEARANCES:

DALY & PITTS
Counsel for Plaintiff
608 State Tower Building
109 South Warren Street
Syracuse, NY 13202

OF COUNSEL:

EDWARD I. PITTS, ESQ.

V HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
Counsel for Defendant
100 South Clinton Street
Syracuse, NY 13261-7198

WILLIAM H. PEASE, ESQ.
Assistant United States Attorney

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

M The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 11th day of June, 2007. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Plaintiff's complaint is *sua sponte* dismissed for failure to prosecute and/or failure to comply with there Court Orders, under Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.2(a) of the Local Rules of Practice for this Court.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: June 28, 2007
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

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